IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7108 of 2002

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PRAJAPATI NARSINHBHAI UMEDBHAI

Versus

SUB-DIVISIONAL MAGISTRATE OF MEHSANA

Appearance:

1. Special Civil Application No. 7108 of 2002

MR RC JANI for Petitioner No. 1

MR A P BHATT AGP for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 30/09/2004

ORAL JUDGEMENT

1. The petitioner herein has preferred this petition in order to quash and set aside the order dated

11/03/2002, at Annexure `C' to the petition, passed by respondent no.1 herein and also the order dated 23/07/2002, at Annexure `E' to the petition, passed by respondent no.2 herein; and to direct the respondents to renew the licence of the petitioner.

2. I have heard the learned counsel for the parties and have perused the relevant documents on record. Now, considering the fact that the petitioner has invested a huge amount and that he was running his business since last many years, I am of the opinion that the respondent authority should consider the case of the petitioner for issuance of a fresh licence. Hence, it is directed that the petitioner shall make an application before the respondent authority, within a period of three weeks from today, for the issuance of a fresh licence.

3. On receipt of the aforesaid application from the petitioner, the respondent authority will decide the said application for issuance of licence afresh, within a period of four weeks from the date of receipt of the said application.

4. The respondent authority will not be influenced by its earlier order, in view of the fact that this Court has not examined the matter on merits while passing the aforesaid order. Therefore, even otherwise, if the petitioner is found eligible, then the same may be considered on merits.

5. With the above directions, the petition stands disposed of. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(K. S. Jhaveri, J.)

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